



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/631,173	04/11/96	ANDERSON	E P1451/305

LM11/0224  
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EXAMINER  
AUBREON, G

ART UNIT	PAPER NUMBER
2712	6

DATE MAILED: 02/24/98

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**08/631,173**

Applicant(s)  
**Anderson et al.**

Examiner  
**Aduong, Gene**

Group Art Unit  
**2712**



☐ Responsive to communication(s) filed on \_\_\_\_\_

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-3, 5, 6, 8, 9, 11, 12, 14, 15, 17, 18, and 20 is/are rejected.

☒ Claim(s) 4, 7, 10, 13, 16, and 19 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2 and 3

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Drawings*

1. The drawings are objected to because of the problems addressed in the attached PTO-948. Correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 1-3, 5-6, 8-9, 11-12, 14-15, 17-18, and 20 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ogino (US 5,633,976).

For claim 1, Ogino discloses an imaging device for capturing an image in response to an image capture request (col. 3, lines 56-57); a memory device coupled to the imaging device for storing said image and for storing routines that process the image (col. 3, lines 45-48); a central processing unit coupled to the memory device for executing the first, second, and third routines (col. 3, lines 42-45).

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For claim 2, the claimed memory device comprised of a RAM and a ROM met by Ogino's disclosed; the RAM is comprised of a frame buffer and a RAM disk buffer memory 22 (buffer memory 22, col. 3, line 9) and the rigid disk drive 26 (col. 3, lines 24-27); the ROM comprised of a control application process, an image processing/compression process (col. 3, lines 45-48).

For claim 3, Ogino discloses an image recording apparatus comprising the steps of: Capturing an image upon detecting an image capture request; storing the image in a memory device (col. 8, lines 37-40); repeating the capturing and storing steps if another image capture request is detected; and performing image processing and compressing on the image (col. 8, lines 40-48).

For claim 5, the claimed means for deleting the image before the storing means if an image deletion request is detected; and means for deleting the image before the image processing and compressing means met by Ogino's discloses method of detecting the remaining capacity of the memory ( col. 5, lines 22-33).

For claim 6, Ogino discloses an image recording apparatus capturing the image on the real-time basis (raw image); placing the raw image in a frame buffer; the memory device is comprised a first memory device and a second memory device (Col. 8, lines 30-35), the storing steps of: (a) to (I) (col. 9, lines 6-21)

Claim 9 recites the same limitation as claimed in claim 3, therefore, it is analyzed as previously discussed to claim 3.

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Claim 11 recites the same limitation as claimed in claims 3 and 5, therefore, it is analyzed as previously discussed to claims 3 and 5.

Claim 12 recites the same limitation as claimed in claims 3 and 6, therefore, it is analyzed as previously discussed to claims 3 and 6.

Claim 14 recites the same limitation as claimed in claim 8, therefore, it is analyzed as previously discussed to claim 8.

Claim 15 recites the same limitation as claimed in claim 3, therefore, it is analyzed as previously discussed to claim 3.

Claim 17 recites the same limitation as claimed in claims 3 and 5, therefore, it is analyzed as previously discussed to claims 3 and 5.

Claim 18 recites the same limitation as claimed in claims 3 and 6, therefore, it is analyzed as previously discussed to claims 3 and 6.

Claim 20 recites the same limitation as claimed in claim 8, therefore, it is analyzed as previously discussed to claim 8.

***Allowable Subject Matter***

4. Claims 4, 7, 10, 13, 16 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 308-5399 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121

Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gene Auduong whose telephone number is (703) 305-1460. The examiner can normally be reached on Tuesday-Friday from 8:00 to 5:30 p.m.. The examiner can also be reached on alternate Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for this Group is (703) 308-5399.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

*GA*

*Andrew Faile*  
ANDREW I. FAILE  
SUPERVISORY PATENT EXAMINER  
GROUP 2700

GA

Feb. 9, 1998